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Letter dated 10 October 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

My Government expresses its objection to the publication of any documents of the United Nations signed by Mr. Jovanovic as "Chargé d'affaires a.i. of Yugoslavia". Mr. Jovanovic is not representing a Member State of the United Nations and thus has no authority to request the publication of documents.

The designation of "Yugoslavia" as a State within the framework of the United Nations is related to the former Socialist Federal Republic of Yugoslavia, a State whose process of dissolution into five successor States was initiated on 8 October 1991, and was concluded on 27 April 1992, with the "Federal Republic of Yugoslavia (Serbia and Montenegro)" being formed as the last of the new States (European Union (EU) Arbitration Commission opinion No. 11 of 16 July 1992). The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, the Republic of Slovenia and the "Federal Republic of Yugoslavia (Serbia and Montenegro)" are all equal successors to the former Socialist Federal Republic of Yugoslavia. None of the successor States can claim to be the sole continuation of the former Socialist Federal Republic of Yugoslavia, nor can it claim for itself the membership rights in the international organizations previously enjoyed by the former Socialist Federal Republic of Yugoslavia [EU Arbitration Commission opinion No. 9]. In addition, the EU Arbitration Commission decided that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" is "a new State which cannot be considered the sole successor of the Socialist Federal Republic of Yugoslavia" [Opinion No. 10].

The relevant resolutions of the Security Council (777 (1992) and 821 (1993)), and of the General Assembly (47/1), have stated clearly and unequivocally that the "State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist", that the Federal Republic of Yugoslavia

(Serbia and Montenegro) cannot continue "automatically the membership of the former Socialist Federal Republic of Yugoslavia", and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for the membership of the United Nations". Since the "Federal Republic of Yugoslavia (Serbia and Montenegro)" has not yet applied for membership in the Organization, it can only be concluded that it is not a Member State.

Further, we wish to recall that Mr. Dragomir Djokic, previous "Chargé d'affaires of the Permanent Mission of Yugoslavia to the United Nations", was appointed by the then Acting Federal Secretary for Foreign Affairs of the Socialist Federal Republic of Yugoslavia, Mr. Milivoje Maksic, on 31 March 1992 - prior to the succession of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" to the former Socialist Federal Republic of Yugoslavia.

In the light of this situation, and until the "Federal Republic of Yugoslavia (Serbia and Montenegro)" decides to apply and is admitted into membership of the United Nations, Mr. Djokic was being allowed to act as a representative of "Yugoslavia" within the United Nations system, since he was appointed at a time when the Socialist Federal Republic of Yugoslavia still existed as a State, by a then legitimate representative of that State. However, Mr. Jovanovic cannot be considered as a representative of any "Yugoslavia", since he was appointed by the Minister for Foreign Affairs of a country that is not a Member State of the United Nations.

I would like to request your assistance in distributing this letter as a document of the fiftieth session of the General Assembly under item 8, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative